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On Gender Differences, Patient's Consent and Medical Disputes

Chih-Chia Wang, Ching-Hui Loh

Abstract

This article discusses the issues arising from the interaction between gender differences and medical practice & patient's consent by the true cases of medical disputes. The first case is *Korman v. Mallin*, 858 P.2d 1145 (Alaska 1993), a case of breast reduction surgery. It indicates that physical image is very important and every physician should keep in mind. If a plastic surgeon neglects it and give inadequate explanations or descriptions, it will result in medical dispute. The patient's consent may be invalid if she seeks the operation based on cosmetic demand and the physician may face criminal and civil liability. The second case of "vaginal examination and hymen tear" results from gender bias that people pay too much attention to hymen integrity. This gender bias should not be secured by criminal liability. On the other hand, if the patient values it, the physician should still afford the damages so produced on the basis of civil liability. The most important thing is that the physician should cultivate gender sensitivity so as to avoid and decrease medical disputes in this respect.

Keywords: Gender Differences, Gender Sensitivity, Patient Autonomy, Informed Consent, Medical Dispute